SINGLE BENCH (2) (4)

CF/1007

IN THE HIGH COURT OF CHHATTISGARHAT BILASPUR

WRIT PETITION (S) NO. 412/2007

Smt. Jhuniya Bai D/o- Gaindlal
Aged about 59 years, Permanant
Gangman, Tumdibod-Dongargarh
Road Subdivision no-1,P.W.D
District- Rajnandgaon (C.G.)

F.R. No. 454/07
Presented by Shri Rajil Maskara
dated 12/12/07

VERSUS

RESPONDENTS : 1. State of Chhattisgarh
Through-the Secretary,
Public Works Department,
D.K.S. Bhawan, Raipur (C.G.)

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2. Sub-Divisional Officer
Sub-Division no.1, C.G. PWD, PWD
Office, Rajnandgaon, District-
Rajnandgaon (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

(1) PARTICU

(20)

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 412 of 2007

Petitioner — Smt. Jhuniya Bai

Versus

Respondents — State of Chhattisgarh & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Shri Anoop Majumdar, Advocate for the petitioner.

Shri Sushil Dubey, Government Advocate for the respondents.

ORDER

(Passed on this 23rd day of January, 2007)

1. By this petition, the petitioner, who has worked for more than 25 years as Gangman seeks a relief that the petitioner being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.') 56.

2. The indisputable facts are that the petitioner was employed as gangman. According to learned counsel for the petitioner, she attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the petitioner would retire on attaining the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Shri Anoop Majumdar, learned counsel appearing for the petitioner would submit that the case of the petitioner is squarely covered by the decision of this Court passed on

4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Shri Sushil Dubey, learned Government Advocate, does not dispute the submissions made by learned counsel for the petitioner.

5. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur